

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested. This Amendment is submitted in response to the Office Action dated October 13, 2009.

The Applicant would like to thank the examiner and her supervisor for the courtesy extended during the telephone interview of December 2, 2009. As discussed at the interview, the present invention pertains to a method and apparatus for making a plurality of cement panels sequentially, e.g., one on top of the other. It is well known in the art that a form for making a cement panel must have a base or bed and vertical sidewalls disposed around the bed defining the size and shape of the panel. A liquid or semi-liquid mixture is then poured into the form and allowed to cure to generate the cement panel. The bottom surface of the panel is defined by the bed and the sides are defined by the sidewalls of the form.

As discussed at the interview, an important feature of the present invention is that after the initial panel is made, the next form for the next panel does not have a bed, but instead, a manufacturer waits until the cement in the initial form sets into the initial panel, and then the top surface of the initial panel is used as the bed for the next form and to all subsequent panels. Thus, each panel is poured and allowed to set on top of a previous panel and there is no space between the panels. As discussed at page 11, first paragraph, a coating of a release agent or bond breaker is applied to the top surface of the initial panel to facilitate the separation of the panels.

The Examiner is basing her rejection on Halberstadt. As discussed at the interview, this reference is not relevant, inter alia, because it pertains to the construction of whole building bays with floors or decks supported by columns. Moreover, the decks or floors of the bays are separated by substantial distances that determine the heights of the floors in the bays. In this reference, the various decks are made in overlapping sequences (see Table 20) during which the cement of one floor is poured even before the previous two floors have set. In the present invention, each panel is poured and set before the next one is started. Finally, as clearly indicated in Fig. 1B, the form 30 for each deck is made with a bed or panel 32, and not by using the top surface of a previous deck. In fact, since in this reference, each deck is made in situ, and is not moved after it is formed, it would be impossible to use the top surface of one deck as the bed for the next.

During the interview, the examiner indicated that she is interpreting claim 1 as requiring a spacing between the panels as they are formed. The Applicant submits that a fair and careful reading of the claim cannot lead to such an interpretation because claim 1 (as reproduced below with the relevant passages emphasized) requires the panels to be formed one on top of the other with NO spacing:

1. Formwork intended in use for the consecutive formation of a plurality of panels, **each subsequent panel being formed upon a previous panel wherein a bed for a subsequent panel is defined by an upper surface of the previous panel**, said formwork comprising a base, a plurality of sides and corners at the intersections of the respective sides, the base and sides defining a forming space for formation of the

panels above the bed, at least one side being defined by a side member supported by a pair of columns located at the respective corners, said at least one side member having a width at least corresponding to the desired thickness of the panels, the remaining sides closed by wall elements having a height corresponding to the thickness of a plurality of said panels, **each column having locating elements adapted to receive and support the respective side member at a plurality of locations along the length of the column, said locations having a *spacing* substantially corresponding to the desired thickness of the panel**, wherein the side member extends from the upper surface of the previous panel to define the forming space for the subsequent panel, wherein each column comprises a first upright member supported from a base member wherein the locating elements are spaced vertically along the upright member and the column further comprises a second upright member pivotable on the base member to be movable relative to the first upright member between a first position at which the second upright member clampingly engages the side member against the first upright member and a second position at which the second upright member is in a non-clamping engagement with the side member, and further including a retaining element provided to retain the first and second upright members in clamping engagement with the side member; **said side members being vertically repositionable on said support means**

through a range of locations to define a moulding space at each location.

The Applicant would like to draw the Examiner's attention to the phrase "each subsequent panel being formed upon a previous panel". Clearly the applicable definition of "upon" in this context is "on" or "on the surface". How could one deck in Halberstadt be found "on" or "on the surface" of another deck if they are 8-15 feet apart?

Claim 19 is also reproduced below and its relevant portions are highlighted to underline the fact that it is fully consistent with claim 1 and that the only way this claim can be interpreted is that it requires one panel to be formed on the other, that is, without any spacing therebetween.

19. A method for the consecutive formation of a plurality of panels utilising formwork of the form claimed at claim 1, wherein **each subsequent panel is formed upon a previous panel**, the method comprising **forming a first panel wherein the at least one side member is at its lowest position on the columns and the lower face of the first panel is formed by the base, wherein on the concrete contained in the forming space setting the subsequent panel is formed**, wherein the forming of the subsequent panels comprises disengaging the retaining element from the first and second

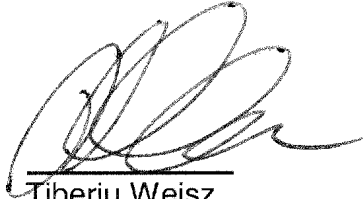
upright members at the at least one side, moving the second upright members at the at least one side to their second position, locating the at side member to extend between the first upright members to be engaged with the locating elements, positioning second side members to extend between a respective pair of support means, moving the second upright members to their first positions, engaging the retaining element between the upright members, and **pouring concrete into said forming space and allowing said concrete to set to form the subsequent panel.**

The examiner indicated during the interview that her interpretation is based on the word “a spacing” in claim 1. However, it is respectfully submitted that the term “a spacing” is used to define the distance between the locating elements (32 in Figs.3,4 and 5, and 144 in fig. 8). The term does not refer to the distance between adjacent panels. Instead, the term or characterization refers to the distance between the locating elements that support the side members of the form. While the Applicant believes that this feature is perfectly clear from the claims as previously submitted, for the sake of advancing this application toward allowance, claim 1 has been amended to clearly recite that the distance referred to in the claim is the distance between the locations of the locating members **and not the distance between the panels.** It is respectfully submitted that this change in claim 1 is a simple grammatical one and therefore it does not require the examiner to perform a new search. Accordingly, the amendment should be entered.

In summary, the claims are patentably distinguishable and should be allowed.
Early and favorable action is respectfully requested.

The Commissioner is authorized to charge any additional fees that may be required, or to credit any overpayment to Deposit Account No. 07-1730.

Respectfully submitted,
GOTTLIEB, RACKMAN & REISMAN, P.C.
Attorneys for Applicant(s)
270 Madison Avenue, 8th Floor
New York, New York 10016
(212) 684-3900

A handwritten signature in black ink, appearing to read 'Tiberiu Weisz', written over a horizontal line.

Tiberiu Weisz
Reg. No. 29,876

Date: December 4, 2009